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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,588	04/16/2008	Karl Gunnar Bjursell	EPCL:013US/10613207	1186

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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

EXAMINER	
HOWARD, ZACHARY C	
ART UNIT	**PAPER NUMBER**
1646	

NOTIFICATION DATE	DELIVERY MODE
09/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aopatent@fulbright.com

Office Action Summary	Application No.	Applicant(s)	
	10/599,588	BJURSELL ET AL.	
	Examiner	Art Unit	
	ZACHARY C. HOWARD	1646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-6 and 8-21* is/are pending in the application.

4a) Of the above claim(s) *3,5,6,8 and 9* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1,3-6 and 8-21* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Application, Amendments and/or Claims

The amendment of 3/9/10 has been entered in full. Claim 2 is canceled (claim 7 was previously canceled). Claims 1 and 4 are amended. New claims 10-21 are added.

Claims 1, 3-6, and 8-21 are pending in the instant application.

Sequence Compliance

Applicants' response filed on 7/14/10 to (1) the Notice to Comply with Sequence Listing Requirements under 37 CFR §1.821 mailed on 10/15/09 and (2) the PTO-90C mailed on 6/17/10, has been considered and is found sufficient. Therefore, the requirements set forth in the Office Action of 10/15/09 are *withdrawn*.

Election/Restrictions

Claims 3, 5, 6, 8 and 9 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 7/27/09.

New claims 10-21 depend from claim 1 and are deemed to each belong to the elected group (Group I, drawn to a method of identifying a compound that modulates the binding of CEL (carboxylester lipase) to a receptor.

The amendments to the claims necessitate new elections of species as set forth below. See MPEP 811.02, which states "Since 37 CFR 1.142(a) provides that restriction is proper at any stage of prosecution up to final action, a second requirement may be made when it becomes proper, even though there was a prior requirement with which applicant complied."

Applicants' arguments with respect to the rejections made in the previous Office Action (mailed 10/15/09) will be addressed subsequent to Applicants' elections made in response to this Office Action.

Elections of species

Two elections of species are now required as follows:

(1) The elected group, Group I, now contains claims directed to more than one species of receptor of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Glycosaminoglycan, heparin, heparin sulfate, chondroitin-6-sulphate, chondroitin-4-sulphate, dermatan sulphate, SR-A type I, SR-A type II, SR-A type III, MARCO, SR-BI, CD36, SR-CI, SR-D, Macrosialin/CD86, SR-E, LOX-1, SR-F, SREC-1, SR-PSOX, FEEL-1, FEEL-2, RAGE, 80K-H, OST48, Galectin-3, LPL (lipoprotein lipase), apo A-I, apo A-II, apo B-100, apo B-48, apo C-I, apo C-II, apo C-III, apo E, VLDL1, VLDL2, VLDL3, IDL1, IDL2, IDL3, LDL1, LDL2, LDL3, preβ-HDL, α-HDL, HDL1, HDL2, HDL3, and chylomicrons.

The claims are deemed to correspond to the species in the following manner:

1. Claims 1, 4 and 14-21 correspond to each species of vascular proteoglycan (i.e., Glycosaminoglycan, heparin, heparin sulfate, chondroitin-6-sulphate, chondroitin-4-sulphate, dermatan sulphate).

2. Claims 1, 4, 10 and 14-21 correspond to each species of scavenger receptor (i.e., SR-A type I, SR-A type II, SR-A type III, MARCO, SR-BI, CD36, SR-CI, SR-D, Macrosialin/CD86, SR-E, LOX-1, SR-F, SREC-1, SR-PSOX, FEEL-1, FEEL-2).

3. Claims 1, 4, 11 and 14-21 correspond to each species of AGE receptor (i.e., RAGE, 80K-H, OST48, Galectin-3).

4. Claims 1, 4, 12 and 14-21 correspond to each species of apolipoprotein (i.e., apo A-I, apo A-II, apo B-100, apo B-48, apo C-I, apo C-II, apo C-III, apo E).

5. Claims 1, 4 and 14-21 correspond to each species of lipoprotein or lipoprotein particle (i.e., VLDL1, VLDL2, VLDL3, IDL1, IDL2, IDL3, LDL1, LDL2, LDL3, preβ-HDL, α-HDL, HDL1, HDL2, HDL3, and chylomicrons).

6. Claim 13 corresponds to a subset of lipoprotein or lipoprotein particle (i.e., IDL1, IDL2, IDL3, LDL1, LDL2, LDL3, preβ-HDL, α-HDL, HDL1, HDL2, and HDL3).

The following claim(s) are generic: none.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: each species of receptor is a distinct protein (or assembly of protein and lipid) with a different molecular structure imparted by the unique sequence of amino acids (and optionally, combination with lipid molecules). Lack of unity is shown because these molecules lack a common utility which is based upon a common structural feature which has been identified as the basis for that common utility.

(2) The elected group, Group I, now contains claims directed to more than one species of means of measuring receptor binding by CEL of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

(a) chromatographic methods with CEL as stationary phase;

(b) chromatographic methods with receptor as the stationary phase;

(c) measuring binding of CEL to cells expressing the receptor on their surface;

(d) using scintillation proximity and ultracentrifugation; and

(e) measuring binding of CEL to vascular tissue.

The claims are deemed to correspond to the species in the following manner:

1. Claim 14 corresponds to species (a).
2. Claim 15 corresponds to species (b).
3. Claims 16 and 17 correspond to species (c).
4. Claims 18 and 19 correspond to species (d).
5. Claims 20 and 21 correspond to species (e).

The following claims are generic: 1, 4 and 10-13.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: each means of

measuring receptor binding is a different process for measuring affinity. Lack of unity is shown because these means of measuring receptor binding lack a common utility which is based upon a common structural feature which has been identified as the basis for that common utility.

Applicant is required, in reply to this action, to elect a single species of (1) receptor and (2) means for measuring receptor binding to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary C. Howard whose telephone number is 571-272-2877. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary B. Nickol can be reached on 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Z. C. H./
Examiner, Art Unit 1646

/Bridget E Bunner/
Primary Examiner, Art Unit 1647